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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,969	07/23/2003	Stanley Alden Peickert		6603

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EXAMINER

GOKHALE, SAMEER K

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,969

Applicant(s)

PEICKERT, STANLEY ALDEN

Examiner

Sameer K. Gokhale

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 1-8 have been renumbered 9-16.

2. Claim 16 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, claim 16 has not been further treated on the merits.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 9-16 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. Additionally, there are numerous instances where there is insufficient antecedent basis for a limitation in the claim (examples are given below). The structure which goes to make up the device must be clearly and positively

specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited in the previous office action.

5. The examiner points out the following examples of indefinite language used in the claims, and stresses that the errors found were not limited to the below examples.

Claim 9 recites the limitation "the covering shell" in lines 17-18 and 22. There is insufficient antecedent basis for this limitation in the claim and it is also not clear that the covering shell is being claimed.

Claim 9 recites the limitation "the finger pads" in line 21. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the serial patch cord" in line 25. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the vertical tab and over the vertical shortwall onto the stepledge around the perimeter of the base platform" on lines 2-4. There is insufficient antecedent basis for "the vertical tab", "the vertical shortwall", "the stepledge", or "the base platform" in the claim.

Claim 10 recites the limitation "the serial patch cord" on lines 10-11. There is insufficient antecedent basis for this limitation in the claim.

Claim 11, the phrase "for example" on line 5 renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 12, the phrase "accompanied by" on lines 1-2 renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention.

Claim 12, the phrase "the needs of the user" on lines 1-2 renders the claim indefinite because it is unclear what is meant by this phrase.

Claim 12 recites the limitation "each activator switch" on line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the user" on line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 is generally narrative and indefinite, failing to conform with current U.S. practice and contains idiomatic errors. Specifically, "a shape to be precisely determined by consulting with anatomical experts familiar with the cause and prevention of carpal tunnel syndrome" on lines 3-5 renders the claim indefinite.

Claim 14 recites the limitation "the thumb operating the X-Y axis rollerball sensor located in the vertical tab..." on lines 3-4. There is insufficient antecedent basis for "the thumb", "the X-Y rollerball sensor" or "the vertical tab" in the claims.

Claim 15 is generally narrative and indefinite, failing to conform with current U.S. practice and contains idiomatic errors. Specifically, "providing optimum input capability

to meet the growing needs of ever more complex computer programs and games software” on lines 5-7 renders the claim indefinite.

Claim 16 is generally narrative and indefinite, failing to conform with current U.S. practice and contains idiomatic errors.

Conclusion

6. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under “Attorney and Agent Roster.” Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameer K. Gokhale whose telephone number is (571) 272-5553. The examiner can normally be reached on M-F 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SKG
June 22, 2006

Sameer Gokhale
Examiner
Art Unit 2629

AMR A. AWAD
PRIMARY EXAMINER

